

REMARKS

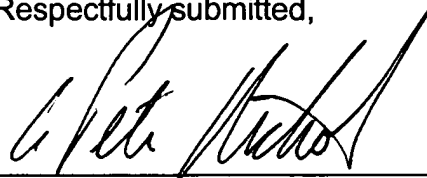
Claim 33 was rejected as being indefinite and as being anticipated by Yamaguchi. Claim 33 was amended to clarify the indefiniteness and, as a result, it is contended that Yamaguchi neither anticipates nor renders obvious the claimed water sensitive blends. Claim 33 claims a modified poly(ethylene oxide) and at least one of a modified poly(β -hydroxy alkanates), modified poly(alkylene succinates), modified polycaprolactones or combinations thereof that are hydrolytically degradable. Neither of the two fractions in the Yamaguchi patent comprises of a hydrolytically degradable polymer of modified poly(β -hydroxy alkanates), modified poly(alkylene succinates), modified polycaprolactones or combinations.

The Examiner notes that in Example 1 of Yamaguchi, two fractions are disclosed. The first fraction was a hydrophilic graft polymer comprising a polyether part and a graft chain moiety in which maleic acid and acrylic acid were graft-polymerized. The second fraction was an unsaturated carboxylic acid type polymer in which maleic acid and acrylic acid were graft polymerized. These two fractions do not teach or suggest the claimed components of the claimed blend. Therefore, Applicants request withdrawal of the rejection.

All the claims were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable in view of US 6,500,897. Without agreeing to the correctness of the rejection but instead to advance prosecution of the subject claims to allowance, a Terminal Disclaimer is provided, which obviates the rejection.

Applicants believe the present claims are allowable and respectfully request allowance of the application. Examiner is invited to contact the undersigned attorney at (312) 321-4276 to resolve any outstanding issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Peter Nichols", written over a horizontal line.

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